

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**Comcast of Massachusetts II, Inc.****Plaintiff**

**VS.**

## Nicholas Lapier

**Defendant**

) Case No.: 3:05-cv-30189 MAP

**JOINT STATEMENT OF THE PARTIES  
PURSUANT TO LOCAL RULE 16.1(D)**

Now comes the Plaintiff, Comcast, and the Defendant, pursuant to Local Rule 16.1(D), do hereby submit the following Joint Statement to this Honorable Court.

## I. PARTIES' CONFERENCE

John M. McLaughlin, Counsel for the Plaintiff and Dennis P. Powers, Counsel for the Defendant, they teleconferenced on the issues required be discussed pursuant to this rule on November 22, 2005.

## II. SETTLEMENT PROPOSAL

Both Counsels do hereby certify that they received a Settlement Proposal from each other. At this time, neither is in a position to accept the demands for settlement of the above matter.

### III. MEDIATION

The Parties agree to submit this dispute to non-binding mediation before the Senior Judge, Magistrate, or Panel Member pursuant to Local Rule 16.4(c)(4). The mediation can occur as soon as it can be scheduled and in the meantime discovery can proceed in accordance with this Court's order.

#### IV. JOINT STATEMENT AS TO DISCOVERY/MOTIONS

The following represents the Agreement of the Parties and is submitted to the Court such that the Court can utilize same in devising the Scheduling Order.

1. The Defendant has already served discovery upon the Plaintiff. The parties agree the effective date of service of discovery on Plaintiff will be the date of this Court's order..
2. All fact discovery should be completed by June 15, 2006.
3. The depositions of non-expert witnesses shall not exceed seven (7) hours per witness unless leave of the Court has been obtained or a written stipulation of the parties has been entered into to exceed said seven (7) hour limitation. The parties may also utilize subpoena duces tecum in conjunction with these non-expert depositions.
4. The Parties propose that the written discovery shall include, but not limited to, interrogatories, requests for production, and requests for admissions. Pursuant to Fed. R. Civ. P. 33, interrogatories shall be limited to 25 in number, including sub-parts. Pursuant to Fed. R. Civ. P. 34, each person shall have the opportunity to submit two sets of requests for production of documents and things to the other party.
5. The Plaintiff shall disclose to the Defendant all experts relied upon by the Plaintiff Defendant no later than June 29, 2006.
6. The Defendant shall disclose to the Plaintiff all experts relied upon by the Defendant no later than June 29, 2006.
7. All expert discovery channel be completed by August 15, 2006
8. Motions, including motions filed pursuant to Fed. R. Civ. P. 56 shall be filed no later than August 29, 2006.
9. On or about September 29, 2006 court will hold a hearing on any pending motions not already determined and/or on the status of the case.

**VI. CERTIFICATION**

Counsels for the parties certify by their signatures below they have conferred with their clients pursuant to Local Rule 16.1(D) as to:

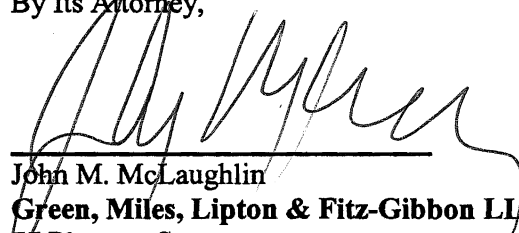
1. Establishing a budget for the cost of conducting the full course and various alternative courses of litigation; and,
2. To consider the resolution of litigation to the use of alternative dispute resolution programs.

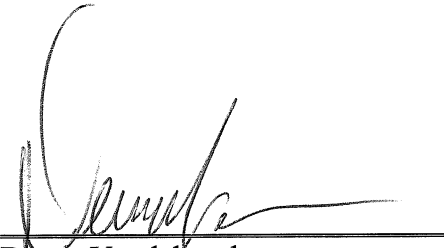
**VII. CONSENT TO APPEAR BEFORE A MAGISTRATE**

Both Parties are not amenable to Trial before a Magistrate.

Respectfully Submitted for the Plaintiff,  
By Its Attorney,

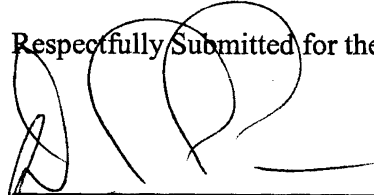
Date

  
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John M. McLaughlin  
Green, Miles, Lipton & Fitz-Gibbon LLP  
77 Pleasant Street  
P.O. Box 210  
Northampton, MA 01061-0210  
Telephone: (413) 586-0865  
BBO No. 556328

A handwritten signature in dark ink, appearing to read 'Deena Vandenberghe', is written over a horizontal line.

Deena Vandenberghe  
Settlement and Collections Manager

Respectfully Submitted for the Defendant,

A handwritten signature in black ink, appearing to read "D. Powers", written over a horizontal line.

Attorney Dennis P. Powers  
Katz, Argenio & Powers  
Suite 302  
1380 Main Street  
Springfield, MA 01103  
Telephone: (413) 737-5996  
Fax: (413) 781-3780  
BBO No. 404697

12/12/05

Date

Respectfully Submitted by the Defendant,

12/1/05  
Date

  
Nicholas Laper